

## CONGRESSIONAL RECORD SUMMARY

Wednesday, December 5, 2001

### SENATE

#### Measures Introduced:

**S. 1770.** *A bill to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes; to the Committee on the Judiciary.*

*"... The bill, again consistent with the H.R. 3275, also contains 'ancillary provisions' that would make the two new crimes predicates for money laundering charges, wiretaps, RICO charges, an 8-year statute of limitations, include them as 'federal crimes of terrorism,' and make civil asset forfeiture available for the new terrorism financing crime. Existing laws which relate to similar crimes are predicates for each of these tools, and providing law enforcement with these ancillary provisions is both consistent and appropriate. Neither international convention requires a death penalty provision for any covered crime, and the Department of Justice has provided a memorandum to Congress, in response to a request for its views, that such a provision would not be required to bring the United States into compliance. This should come as no surprise, given international sentiment opposing the United States' use of the death penalty in other contexts. Indeed, the inclusion of a death penalty provision in the implementing legislation for these conventions could lead to complications in extraditing individuals to the United States from countries that do not employ the death penalty. Therefore, unlike the House version of the implementing legislation, the Senate version contains no new death penalty provision..."*

Leahy

*Pages S 12447, S 12450-4*

**See Page S 12453-4: TITLE IV—DISCLOSURE OF INTERCEPTED WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS TO FOREIGN LAW ENFORCEMENT.**

**S. 1772.** A bill to ensure that American victims of terrorism have access to the blocked assets of terrorists, terrorist organizations, and state sponsors of terrorism; to the Committee on the Judiciary.

Smith

*Page S 12447*

**S. 1775.** A bill to prevent plant enterprise terrorism; to the Committee on the Judiciary.

Hutchinson

*Page S 12447*

#### Measures Reported:

**S. 1382,** *to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court*, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, with an amendment in the nature of a substitute. (Senate Report No. 107-107)

**H.R. 2657,** *to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court*, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, with an amendment in the nature of a substitute. (Senate Report No. 107-108)

**Report to accompany H.R. 3338,** making appropriations for the Department of Defense for the fiscal year ending September 30, 2002. (Senate Report No. 107-109)

*Pages S 12447, D 1204*

#### H.J. Res. 76. Continuing Appropriations:

***Senate passed H.J. Res. 76, making further continuing appropriations for the fiscal year 2002, clearing the measure for the President.***

*Pages S 12463, D 1204*

**Nomination Confirmed:**

**Senate confirmed the following nomination:**

*John P. Walters, of Michigan, to be Director of National Drug Control Policy.*

*Pages S 12439-43, S 12464, D 1205*

*"...He [Mr. Walters] has also dismissed concerns about the racial impact of our current drug policies and the utility of mandatory minimum sentences. In short, Mr. Walters' public record does not inspire confidence in those of us who think Congress has occasionally made the wrong decisions in our attempts to prevent drug abuse. [ ] He [Mr. Walters] wrote as recently as March that the arguments that we are imprisoning too many people for merely possessing illegal drugs and that criminal sentences are too long or harsh were "among the great urban myths of our time." This statement flies in the face of the widespread dissatisfaction with mandatory minimum sentences among policymakers and federal judges. Indeed, **Chief Justice Rehnquist and the Judicial Conferences** composed of representatives from all 12 U.S. circuits have called for the repeal of federal mandatory minimum sentences. Mr. Walters has said he would conduct a review of the current sentencing structure, but given his past views, I do not believe that he is the best person to undertake that task..." (Leahy, Page S 12439)*

**Committee Meetings:**

**Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings to examine United States northern border security policy, focusing on ports of entry, security personnel, and compatible communication equipment for American and Canadian law-enforcement authorities.**

*Page D 1205*

**Committee on the Judiciary: Committee concluded hearings on the nominations of Callie V. Granade, to be United States District Judge for the Southern District of Alabama, Marcia S. Krieger, to be United States District Judge for the District of Colorado, James C. Mahan, to be United States District Judge for the District of Nevada, Philip R. Martinez, to be United States District Judge for the Western District of Texas, C. Ashley Royal, to be United States District Judge for the Middle District of Georgia, and Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States, Department of Justice, after the nominees testified and answered questions in their own behalf.**

**Committee on the Judiciary: Subcommittee on Crime and Drugs concluded hearings to examine the future of the Community Oriented Policing Services (COPS) program of the Department of Justice, focusing on a comprehensive study chronicling its relationship to local and national crime rates.**

*Page D 1206*

**Committee Meetings For Thursday, December 6, 20001:**

**Committee on Governmental Affairs: @ 9:00 a.m. To hold hearings to assess the vulnerability of United States seaports and whether the Federal Government is adequately structured to safeguard them. SD- 342.**

**Committee on the Judiciary: @ 10:00 a.m. To resume oversight hearings to examine the Department of the Judiciary, focusing on how to preserve freedoms while defending against terrorism. SD-106.**

*Page D 1209*

**Committee Meetings Scheduled:**

**Committee on the Judiciary, 12/10/01 @ 10:00 a.m. To hold hearings on the nomination of David L. Bunning, to be United States District Judge for the Eastern District of Kentucky. SD-226.**

**Committee on the Judiciary, 12/11/01 @ 10:00 a.m. Administrative Oversight and the Courts Subcommittee to hold hearings to examine homeland defense issues, focusing on sharing information with local law enforcement. SD-226.**

**Committee on the Judiciary, 12/12/01 @ 10:00 a.m. To hold hearings to examine the future of the Microsoft settlement. SD-226.**

**Committee on the Judiciary, 12/13/01 @ 10:00 a.m. Business meeting to consider pending calendar business. SD-226.**

**Committee on Health, Education, Labor, and Pensions, 12/18/01 @ 10:00 a.m. To hold hearings to examine the limits of existing laws with respect to protecting against genetic discrimination. SD-106.**

*Page E 2218*

**Remark:**

Nomination Of Eugene Scallia.

Bond

*Page S 12408-9*

**HOUSE**

**Bills Introduced:**

**H.R. 3408.** A bill to require foreign insurance companies doing business in the United States to disclose any financial dealings they had with individuals who survived or died in the Holocaust, to provide for the Attorney General of the United States to submit requests to such companies regarding claims on behalf of

such individuals, and to prohibit insured depository institutions from transacting any business with or on behalf of any such foreign insurance companies that fail to comply with such disclosure requirements or fail to adequately respond to such requests, and for other purposes; to the Committee on Financial Services.

Foley

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**H.R. 3409.** *A bill to amend title 18, United States Code, to prevent or mitigate crimes of violence or acts of terrorism by authorizing Federal criminal investigators to carry firearms and respond to such crimes of violence or acts of terrorism committed in their presence and to amend section 5545a of title 5, United States Code, to expand the definition of "available" for those criminal investigators who receive Law Enforcement Availability Pay, to include responding to crimes of violence or acts of terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.*

Fossella

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**H.R. 3411.** *A bill to amend title 37, United States Code, to provide the Secretary of Defense with the authority to make temporary, emergency adjustments in the rates of the basic allowance for housing for members of the uniformed services in response to a sudden increase in housing costs in a military housing area in the United States; to the Committee on Armed Services.*

Granger

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**H.R. 3415.** *A bill to amend title 11 of the United States Code to extend the priority provided to claims for compensation and benefits of all employees; to the Committee on the Judiciary.*

Kucinich

Page H 8948

**H.J. Res. 76.** *A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes; to the Committee on Appropriations; considered and passed.*

Young

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**H.J. Res. 77.** *A joint resolution proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives when, in a national emergency, a significant number of Members are unable to serve; to the Committee on the Judiciary.*

Lofgren

Page H 8948

#### **Reports Filed:**

**Reports were filed today as follows:**

**H.R. 3129,** *to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, amended (House Report 107-320);*

**Conference report on H.R. 2944,** making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year

ending September 30, 2002 (House Report 107-321);

**H. Res. 305**, providing for consideration of motions to suspend the rules (House Report 107-322);

**H. Res. 307**, waiving points of order against the conference report to accompany **H.R. 2944**, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002 (House Report 107-324).

*Pages H 8914-45, H 8947-8, D 1206-7*

**H.R. 2883. Intelligence Authorization--Go to Conference:**

*The House disagreed with the Senate amendment to H.R. 2883*, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and agreed to a conference.

*Pages H 8849, D 1207*

Appointed as conferees from the Permanent Select Committee on Intelligence, for the consideration of the House bill and the Senate amendment, and modifications committed to conference: Chairman Goss and Representatives Bereuter, Castle, Boehlert, Gibbons, LaHood, Cunningham, Hoekstra, Burr, Chambliss, Pelosi, Bishop, Harman, Condit, Roemer, Hastings of Florida, Reyes, Boswell, and Peterson of Minnesota. And, appointed as conferees from the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Chairman Stump and Representatives Hunter, and Skelton.

*Pages H 8849, D 1207*

**H.J. Res. 76. Making Further Continuing Appropriations Through December 15:**

*The House passed H.J. Res. 76, making further continuing appropriations for the fiscal year 2002. The joint resolution was considered by unanimous consent.*

*Pages H 8849-50, D 1207*

**Committee Meetings:**

**Committee on the Budget:** Held a hearing on Re-Structuring Government for Homeland Security: Nuclear/Biological/Chemical Threats.

**Committee on Government Reform:** Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on “*Federal Law Enforcement: Long Term Implications of Homeland Security Need.*”

**Committee on Government Reform:** Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs held a hearing on “*The Debt Collection Improvement Act of 1996: How Well is it Working?*”

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**Committee Meetings (Cont’d.):**

**Committee on Rules:** Granted, by voice vote, a rule waiving all points of order against the conference report on **H.R. 2944**, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and against its consideration.

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**Joint Committee Meetings:**

*Conferees* on Tuesday, December 4, agreed to file a conference report on the differences between the Senate and House passed versions of **H.R. 2944**, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002.

*Conferees* agreed to file a conference report on the differences between the Senate and House passed versions of **H.R. 2883**, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

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**Committee Meetings For Thursday, December 6, 2001:**

**Committee on the Judiciary**, @ 1:00 p.m. Hearing on **H.R. 3288**, Fairness in Antitrust in National Sports (FANS) Act of 2001. 2141 Rayburn.

**Committee on Science**, @ 11:00 a.m. To mark up the following bills: **H.R. 3394**, Cyber Security Research and Development Act; and **H.R. 3400**, Networking and Information Technology Research Act. 2318 Rayburn.

**Committee on Transportation and Infrastructure**, @ 10:00 a.m. Subcommittee on Coast Guard and Maritime Transportation, hearing on Port Security. 2167 Rayburn.

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**Remarks:**

Military Tribunals.

Gibbons

*Page H 8846*

Tightening Border Control.

Graves

*Page H 8848*

The Local Law Enforcement Hate Crimes Prevention Act.

Woolsey

*Page H 8884*

Pass **H.R. 1343**, The Hate Crimes Prevention Act Of 2001 .

Morella

*Page H 8885*

**Remarks (Cont'd.):**

**Hate Crimes.**

*"... This legislation will also address inconsistencies in the coverage of current federal, state and local bias crime provisions. Current law does not permit federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that five states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws. Our bill will expand the jurisdiction of federal law to cover sexual orientation, gender or disability, so the federal government will no longer be handicapped in its efforts to assist in the investigation and prosecution of hate crimes..."*

Convers

*Pages H 8887-8*

**Opposing Fast Track.**

*"... One of the reasons they do that and one of the reasons these **three-judge panels** have decided against public health laws, against environmental protections passed by a majority of this House and Senate and signed by the President, or consumer protection or any of those laws, is because of the nature of those three-judge tribunals, those panels. They are made up of trade lawyers, not public health experts, not consumer protection experts, not environmental experts. They are made up of trade lawyers. They meet behind closed doors. They do not accept petitions or testimony from third parties, and they then can turn around and repeal a sovereign nation, as we are, as Mexico is, as Canada is. They can repeal a sovereign nation's public health and environmental laws..."*

Brown

*Pages H 8894-901*

**Next SENATE MEETING: Thursday, 10:30 a.m., December 6, 2001.**

**Next HOUSE MEETING: Thursday, 9:00 a.m., December 6, 2001.**

**OLA: S. Schwarz (Smith)**